

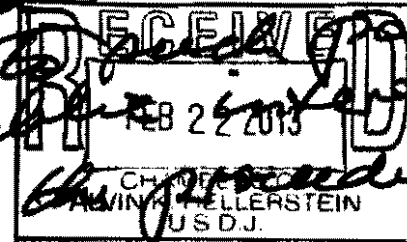
CONDON & FORSYTH LLP

NEW YORK
LOS ANGELES
Direct Dial: (212) 894-6770
Direct Fax: (212) 894-6770
info@condonlaw.com

February 22, 2013

VIA E-MAIL

Honorable Alvin K. Hellerstein
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street, Room 1050
New York, New York 10007



Re: In re September 11 Litigation, 21 MC 101 (AKH)
World Trade Center Properties LLC et al. v. American Airlines, Inc., et al., 08 Civ. 372
C & F Ref: DTB/CRC/VAT/28507

Dear Judge Hellerstein:

I write in my capacity as Aviation Defendants' Liaison Counsel to request the Court's permission to file under seal the Aviation Defendants' Motion for Summary Judgment on their counterclaims for declaratory relief as to the World Trade Center Plaintiffs' ("WTCP Plaintiffs")¹ claims arising from the destruction of World Trade Center Building 7 ("WTC 7").

The Aviation Defendants request that these motion papers be filed under seal because they contain materials that have been designated as confidential by one of the WTCP Plaintiffs, World Trade Company, L.P. ("7 World Trade Co."), and its insurer, Industrial Risk Insurers ("IRI"), pursuant to the Court's January 9, 2004, March 30, 2004 and August 12, 2005 Confidentiality Protective Orders (copies of which are enclosed). They also contain documents designated as confidential pursuant to the settlement agreement entered into by 7 World Trade Co. and IRI. In addition, the brief contains arguments and statements addressing those materials, including a vast amount of proprietary and otherwise sensitive private financial information relating to 7 World Trade Co.'s and IRI's businesses that 7 World Trade Co. and IRI have designated as confidential. The motion papers do not contain any materials that have been designated as confidential by the Aviation Defendants.

¹ For purposes of the Aviation Defendants' motion, "WTCP Plaintiffs" refer to World Trade Center Properties LLC and all of its related entities and affiliates, including 1 World Trade Center LLC, 3 World Trade Center LLC, and 7 World Trade Company L.P.

CONDON & FORSYTH LLP

Honorable Alvin K. Hellerstein

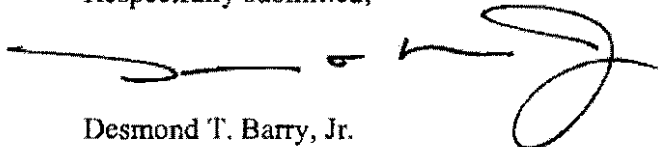
February 22, 2013

Page 2

Consistent with how previous similar submissions have been handled, the Aviation Defendants will work with the WTCP Plaintiffs to prepare an agreed-upon complete set of motion papers for public filing.

Accordingly, the Aviation Defendants respectfully request that the Court direct the Clerk of the Court to accept the Aviation Defendants' Motion for Summary Judgment on their counterclaims for declaratory relief as to the WTCP Plaintiffs claims arising from the destruction of WTC 7 for filing under seal by endorsing this letter below.

Respectfully submitted,



Desmond T. Barry, Jr.
Aviation Defendants' Liaison Counsel

SO ORDERED:

Hon. Alvin K. Hellerstein, U.S.D.J.

cc: Via E-mail

Richard A. Williamson, Esq.
Cathi Baglin, Esq.
Jason T. Cohen, Esq.
Flemming Zulack Williamson Zauderer LLP
Counsel for WTCP and 7 World Trade Co.

John F. Stoviak, Esq.
Saul Ewing LLP
Counsel for the Cantor Fitzgerald Plaintiffs

Mary Kay Vyskocil, Esq.
Simpson Thacher & Bartlett LLP
Counsel for Industrial Risk Insurers

Scott S. Katz, Esq.
Butler Pappas Weihmuller Katz Craig LLP
Counsel for Certain Underwriters at Lloyd's, London Syndicates Numbered 1212, 79, and 2791, and QBE Insurance (Europe) Ltd. f/k/a QBE International Insurance Ltd.

CONDON & FORSYTH LLP

Honorable Alvin K. Hellerstein

February 22, 2013

Page 3

Ty Childress, Esq.

Jones Day

Counsel for WTCP

Katherine L. Pringle, Esq.

Friedman Kaplan Seiler & Adelman LLP

WTC7 Ground Defendants' Liaison Counsel

Sarah S. Normand, Esq.

U.S. Attorneys' Office

Aviation Defendants' Counsel

Judge wrote:

“At a hearing to be held tomorrow, Feb. 26, 2013, at 3:30 p.m., any party who is interested to preserve confidentiality in any paper proposed to be filed shall show cause why perceived prejudice to such party outweighs the public interest in openness of the proceedings.

2-25-13

Alvin K. Hellerstein”